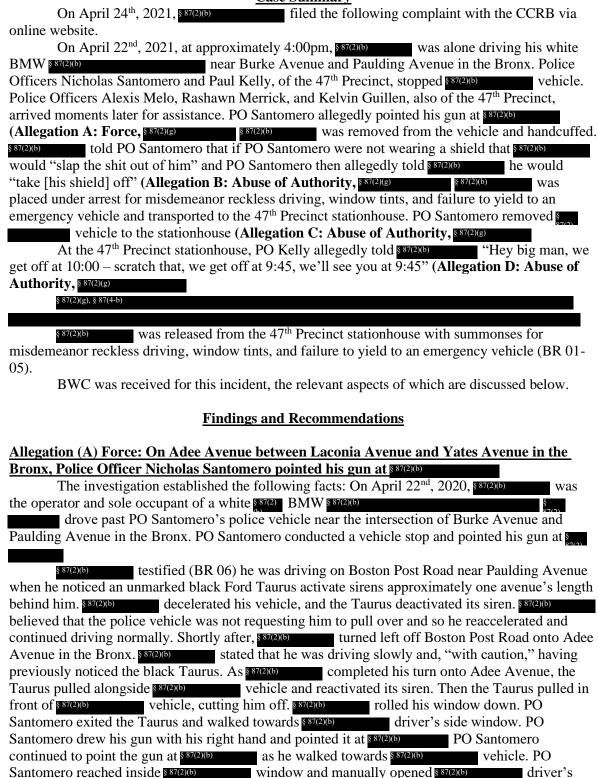
CCRB INVESTIGATIVE RECOMMENDATION

T4'4		Т	CCRB Case #:		F	_	D:	
Investigator:		Team:		I_	Force		Discourt.	_
Carlo Vescovi		Squad #14	202002863	☑	Abuse		O.L.	☐ Injury
Incident Date(s)		Location of Incident:		P	recinct:	18	Mo. SOL	EO SOL
Wednesday, 04/22/2020 4:00 PM, Wednesday, 04/22/2020 4:30 PM		Adee Avenue between and Yates Avenue, 47tl Stationhouse			47	10	/22/2021	5/4/2022
Date/Time CV Reported		CV Reported At:	How CV Reported:	:	Date/Time	Rece	ived at CCI	RB
Fri, 04/24/2020 1:17 PM		CCRB	On-line website		Fri, 04/24/	2020	1:17 PM	
Complainant/Victim	Type	Home Addre	ess					
Subject Officer(s)	Shield	TaxID	Command					
1. POM Nicholas Santomero	16608	956238	047 PCT					
2. POM Paul Kelly	03683	959726	047 PCT					
3. POM Alexis Melo	21165	963161	047 PCT					
4. POM Kelvin Guillen	01542	952815	047 PCT					
Witness Officer(s)	Shield N	o Tax No	Cmd Name					
1. POM Rashawn Merrick	21166	963164	047 PCT					
Officer(s)	Allegatio	on			Inve	stiga	tor Recon	nmendation
A.POM Nicholas Santomero	Force: On Adee Avenue between Laconia Avenue and Yates Avenue in the Bronx, Police Officer Nicholas Santomero pointed his gun at §87(2)(6)							
B.POM Nicholas Santomero	Abuse: On Adee Avenue between Laconia Avenue and Yates Avenue in the Bronx, Police Officer Nicholas Santomero threatened with the use of force.							
C.POM Nicholas Santomero	Abuse: On Adee Avenue between Laconia Avenue and Yates Avenue in the Bronx, Police Officer Nicholas Santomero seized property.							
D.POM Paul Kelly		t the 47th Precinct Staticy threatened \$\frac{87(2)(b)}{}	onhouse, Police Off with the use					
§ 87(2)(g), § 87(4-b)								
§ 87(2)(g), § 87(4-b)								
§ 87(2)(g), § 87(4-b)								

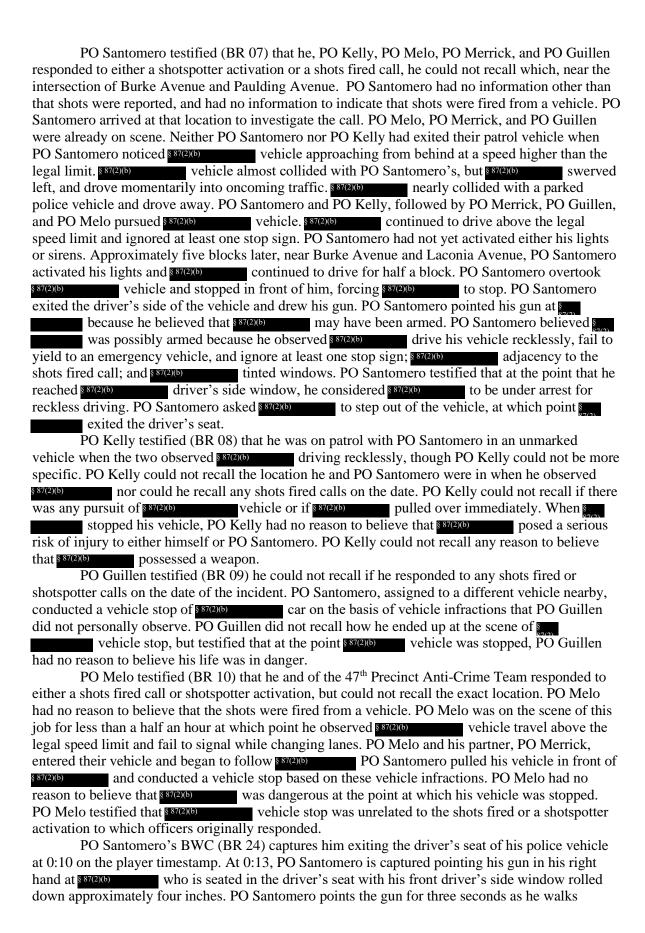
Case Summary



pulled him up and outside of the vehicle. Once \$87(2)(b) was standing outside the vehicle, PO

side door while still pointing the gun. PO Santomero placed his left arm on §87(2)(b)

Santomero holstered his gun.



towards side window and opens the driver's side door manually, at which point steps out of the vehicle.

A review of the 47th Precinct's Event Summary from April 22nd, 2020 (BR 11), as well as the neighboring 49th Precinct's Event Summary from April 22, 2020 (BR 23), yielded no possible events with a listed disposition of 10-10, the disposition associated with a shots fired call or shotspotter activation.

PO Santomero, PO Kelly, PO Guillen and PO Melo had no entries in their memo books regarding responding to a shots fired call or a shotspotter activation (BR 12-15).

NYPD Patrol Guide Procedure 221-01 (BR 16) states that the decision to display or draw a firearm should be based on an articulable belief that the potential for serious physical injury is present. When a uniformed member of the service determines that the potential for serious physical injury is no longer present, the uniformed member of the service will holster the firearm as soon as practicable.

because he believed could be armed, based on traffic violations, namely, his tinted windows, and reckless driving, along with his observation of traffic violations, namely, his tinted windows, and reckless driving, along with his observation of traffic violations, namely, his tinted windows, and reckless driving, along with his observation of traffic violations, namely, his tinted windows, and reckless driving, along with his observation of traffic violations, namely, his tinted windows, and reckless driving, along with his observation of traffic violations, namely his tinted area of an earlier shots fired call. However, as noted above, the investigation was unable to find any corroborating evidence of a shots fired call or a shotspotter activation per the 47th and 49th Precinct's Event Summary. Furthermore, PO Kelly and PO Merrick testified they had no recollection of responding to a shots fired call or shotspotter on the date of the incident. The investigation determined that the investigation determined that the investigation determined that the investigation determined that the investigation of the incident of the incident. The investigation determined that the investigation of the incident of the incident of the incident. The investigation determined that the investigation of the incident of the inci

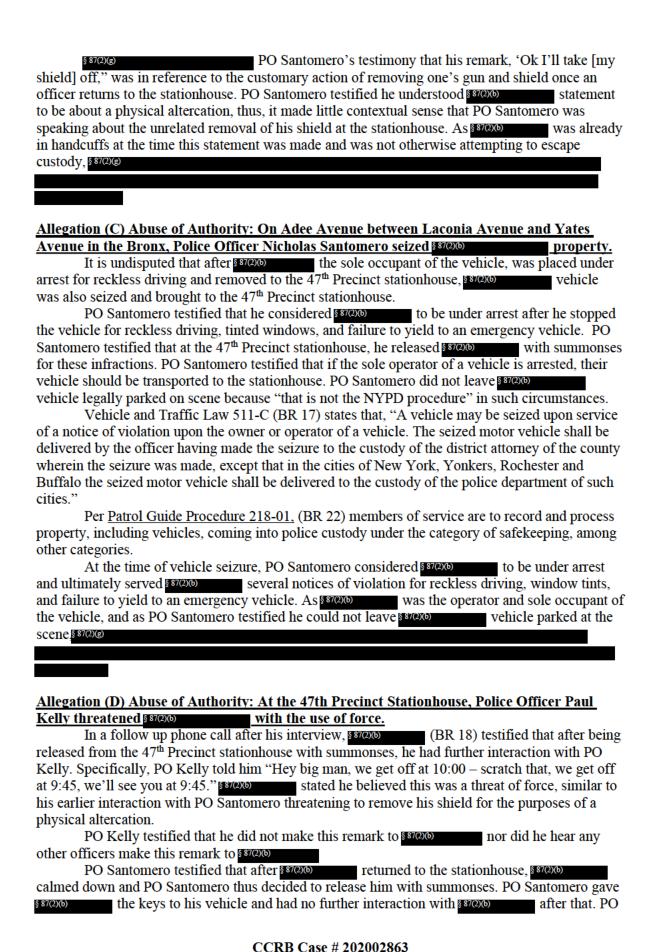
Allegation (B) Abuse of Authority: On Adee Avenue between Laconia Avenue and Yates Avenue in the Bronx, Police Officer Nicholas Santomero threatened with the use of force.

It is undisputed after was handcuffed, he began a verbal altercation with PO Santomero. Santomero told PO Santomero that if PO Santomero were not wearing a shield, he would, "slap the shit out of [him]." PO Santomero replied, "I'll take it off," in reference to his shield.

PO Santomero testified that some told him "Take it off," which PO Santomero understood to mean "Take off your badge and gun and fight me." PO Santomero stated, "Okay, I'll take [my shield] off." PO Santomero testified that this remark meant he was going to take off his shield and gun once he returned to the stationhouse, as is customary.

PO Santomero's BWC (BR 24) captures in handcuffs standing near the rear of his vehicle. At 03:53 on the player timestamp, states, "If you weren't wearing that badge, I'd slap the shit out of you," as he is being led to a police vehicle by PO Merrick. PO Santomero states, "I'll take it off," at 3:55 on the player timestamp.

NYPD Patrol Guide Procedure 221-01 (BR 16) states that the primary duty of all members of the service is to protect human life, including the lives of individuals being placed in police custody. Members of service are prohibited from using any level of force on handcuffed or otherwise restrained subjects unless necessary to prevent injury, escape or to overcome active physical resistance or assault.



Santomero testified he did not hear any officers make this remark to \$57000 PO Melo testified that after \$57000 pedigree information was taken and he was lodged in a cell, PO Melo returned to patrol and had no further interaction with him. PO Guillen testified he returned to patrol from the scene of \$57000 was removed from the incident location.	
\$ \$7(2)(g), § \$7(4-b)	
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 Civilian and Officer CCRB Histories This is the first CCRB complaint to which stories has been a party (BR 19). PO Santomero has been a member of service for seven and has been a subject in four CCRB complaints and eleven allegations, of which one was substantiated: 201904055 involved a substantiated allegation of abuse of authority (vehicle search) against PO Santomero. The Board recommended formalized training and the NYPD imposed formalized training. 	
PO Kelly has been a member of service for six years and has been named a subject in two CCRB complaints and two allegations, neither of which were substantiated.	
PO Melo has been a member of service for four years and has been a subject in three CCRB complaints and three allegations, none of which were substantiated.	ı
PO Guillen has been a member of service for nine years and has been named a subject in two CCRB complaints and four allegations, none of which were substantiated.	

Mediation, Civil, and Criminal Histories

• This complaint was not suitable for mediation.

[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

• As of December 8th, 2020, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards this to complaint (BR 20).

Squad: <u>14</u>			
Investigator: <u>C.V.</u> Signatu	re		11/15/21 Date
Squad Leader: <u>Cassandra Fer</u> Signatu		IM Cassandra Fenkel Print Title & Name	11/17/2021 Date
Reviewer:Signatu	 re	Print Title & Name	Date